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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/886,491 | 06/21/2001 | Andrew James Halt | HAL2-PT003 | 6089 |

3624 7590 12/26/2002

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EXAMINER

CULLER, JILL E

ART UNIT PAPER NUMBER

2854

DATE MAILED: 12/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/886,491

Applicant(s)

HALT ET AL.

Examiner

Jill E. Culler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06/21/01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to because in Figure 1, it is not clear what part of the invention the arrow from the reference numeral 42 is indicating. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:

On page 3, line 6, the word "drum" appears to be missing from between "cylindrical" and "16".

On page 5, line 3, the word "as" appears to be missing from between "shown" and "a small".

Appropriate correction and/or clarification is required.

Claim Objections

3. Claims 1-7 are objected to because of the following informalities:

Claim 1 is an improper Markush-type claim. On lines 7-8, the phrase "selected from the group of snow, sand or mud" is more properly phrased "selected from the group consisting of snow, sand and mud".

Claim 2 recites the limitation "said impression" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "rotatable" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction and/or clarification is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 4 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is not apparent from the disclosure how the blocks of the invention could be defined as 'interlocking'. It has been assumed that this refers to their ability to be readily detached from the impression means.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is insufficient antecedent basis for the limitation

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"motivation means" in line 2 and it is unclear what structure is defined by this limitation.

Because it is unclear what applicant intended to be the "motivation means", prior art has not been applied to this claim.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-3 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,896,929 to Dori in view of U.S. Patent No. 994,971 to Beck.

Dori clearly shows an identification and tracking system comprising an impression means, 20, for providing a predetermined image, 26, 28, upon an impressionable medium, 10, where the impressionable medium is sand. Dori also teaches that the impression means is a cylindrical drum, rotatably connected, which creates an image as the drum rotates across the impressionable medium. Dori further teaches that the drum comprises areas of different heights which form the impression. See Figs. 4 and 5 in particular.

Dori does not show an activation means for moving the impression means between a first position, where the impression means is in contact with the impressionable medium, and a second position where the impression means is out of contact with the impressionable medium.

Beck teaches an identification and tracking system comprising an activation means, 13, for moving an impression means, 8, between a first position, where the impression means is in contact with the impressionable medium, and a second position where the impression means is out of contact with the impressionable medium. See lines 64-71 and 88-102.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the identification and tracking system of Dori by including a means therein for moving the impression means into and out of contact with the impressionable medium, since Beck teaches that such a means is advantageous for selectively applying the impression to the impressionable medium.

With respect to claims 6 and 7, the bracket, 22, of Dori is sufficient to meet the claimed brackets, since claims 6 and 7 do not structurally define the brackets, but rather describe the intended use of the brackets.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dori and Beck as applied to claims 1-3 and 6-7 above, and further in view of U.S. Patent No. 4,050,168 to Pace.

Dori and Beck teach all that is claimed, as in the above rejection of claims 1-3 and 6-7 except that the areas of differing heights in the system comprise at least two interlocking blocks, each of which has a predefined character embossed thereon.

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Pace teaches a tracking and identification system comprising an impression means, 12, having areas of different heights comprising detachable blocks, 18, embossed with a predefined character, 16-24.

It would have been obvious to one having ordinary skill in the art at the time of the invention to apply the blocks of Pace to the modified identification and tracking system of Dori in order to be able to change the impression created by the impression means on the impressionable medium.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stamper, Maxey and Buegel each teach an impression system having obvious similarities to the claimed subject matter.

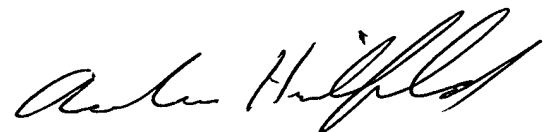
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill E. Culler whose telephone number is (703) 308-1413. The examiner can normally be reached on M-Th 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

jec
December 20, 2002

A handwritten signature in black ink, appearing to read "Andrew H. Hirshfeld". The signature is fluid and cursive, with a large, stylized initial "A".

**ANDREW H. HIRSHFELD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800**